

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**JOAN TRUMAN SMITH**

**CIVIL ACTION NO:  
CV 02 3029 (JBW)**

**V.**

**Honorable Jack B. Weinstein**

**BRYCO ARMS, Inc., et al.**

**AFFIDAVIT OF CHRIS LARSEN**

**STATE OF NEVADA                     )**  
   **)       ss:**  
**COUNTY OF CARSON CITY        )**

Before me, the undersigned authority, personally appeared Chris Larsen, who is known to me, and who after being duly sworn deposes and says:

I, CHRIS LARSEN, being over eighteen (18) years of age and competent to testify as a witness and having personal knowledge of the facts set forth below do herein make oath in due form as follows:

1. I am the President and a director of B. L. Jennings, Inc. ("BLJ"). I have served in this capacity since 1999. I have been employed by BLJ since 1993.
2. At approximately 9:30 a.m. on June 24, 2002, a private process server attempted to serve BLJ with three (3) sets of summonses, one for B.L. Jennings, Inc., one for Bruce Jennings, Individually; and one for Jennings Firearms, Inc. The attempt at service occurred at the office of BLJ located in Carson City, Nevada. I specifically informed the private process server that I was authorized to accept the summonses for BLJ, but that I would not and could not accept service for Bruce Jennings, Individually, or Jennings Firearms, Inc. as I was not authorized to accept service. Upon being advised of these statements, the private process server called his office and asked what

he should do with the remaining two (2) sets of documents. I could hear the person on the other end of the telephone say to leave all of the papers and to mark them on his service sheet as served. I again informed the gentleman that I would not accept service for Bruce Jennings, Individually, and Jennings Firearms, Inc. but he proceeded to leave all of the documents on my desk and rushed out of the office. I called to him and asked his name and the name of the company that he worked for and I was told to "call my lawyer."

3. As President of BLJ, I am authorized to accept summonses and service of process on behalf of BLJ. I am not, however, authorized to accept service of process or summons on behalf of Bruce Jennings, Individually, and Jennings Firearms, Inc.

4. Bruce Jennings served as the President and a Director of BLJ from approximately 1986 to August 6, 1999 when he resigned as Director and as President of BLJ. Mr. Jennings has not served as an officer or director of BLJ since that date.


5. Bruce Jennings is employed by BLJ to assist in the defense of litigation against the company.

6. From my review of BLJ's corporate documents, the corporation was originally incorporated in Nevada on November 15, 1985 as Jennings Firearms, Inc. On November 15, 1992, the corporation changed its name to BLJ. There is no corporation presently known as Jennings Firearms, Inc. BLJ has its principal place of business in Carson City, Nevada. BLJ is certified in good standing by the Nevada Department of Corporations. *See Articles of Incorporation of Jennings Firearms, Inc.*, dated November 15, 1985, attached hereto as Ex. 1; *See Certificate of Amendment of Articles of Incorporation*, dated November 15, 1992 attached hereto as Ex. 2; *See Certificate of Existence with Status in Good Standing*, attached hereto as Ex. 3.

7. I have never been employed by Jennings Firearms, Inc. as an officer, director, manager or employee and have never been authorized by appointment or by law to receive service of process or summonses for Jennings Firearms, Inc.


I declare under the penalty of perjury under the laws of the State of Nevada that the contents of the foregoing affidavit are true and correct to the best of my knowledge.

Dated: 7-8-02

  
Chris Larson  
President, B. L. Jennings, Inc.

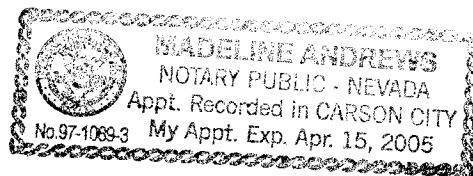
Sworn to me this 8th day of July, 2002.

Date: 7-8-02

  
Notary Public

My commission expires on: 4-15-05

(B0273231.WPD;2)



NOV 15 1985

WAL. SWALAHANER SECRETARY OF STATE

*[Signature]*

No. 763483

ARTICLES OF INCORPORATION

OF

JENNINGS FIREARMS, INC.

\* \* \* \* \*

FIRST. The name of the corporation is

JENNINGS FIREARMS, INC.

SECOND. Its principal office in the State of Nevada is located at One East First Street, Reno, Washoe County, Nevada 89501. The name and address of its resident agent is The Corporation Trust Company of Nevada, One East First Street, Reno, Nevada 89501.

THIRD. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on are:

To engage in any lawful activity and to manufacture, purchase or otherwise acquire, invest in, own, mortgage, pledge, sell, assign and transfer or otherwise dispose of, trade, deal in and deal with goods, wares and merchandise and personal property of every class and description.

FOURTH. The amount of the total authorized capital stock of the corporation is One Million Dollars (\$1,000,000) consisting of ten thousand (10,000) shares of stock of the par value of One Hundred Dollars (\$100) each.

FIFTH. The governing board of this corporation shall be known as directors, and the number of directors may from time to time be increased or decreased in such manner as shall be provided by the by-laws of this corporation, provided that the number of directors shall not be reduced to less than three (3), except that in cases where all the shares of the corporation are owned beneficially and of record by either one or two stockholders, the number of directors may be less than three (3) but not less than the number of stockholders.

The initial number of stockholders shall be one (1).

The names and post-office addresses of the first board of directors, which shall be one (1) in number, are as follows:

<u>NAME</u>	<u>POST-OFFICE ADDRESS</u>
Mark Spitler	2005 W. Culver, #10 Orange, CA 92668

SIXTH. The capital stock, after the amount of the subscription price, or par value, has been paid in shall not be subject to assessment to pay the debts of the corporation.

SEVENTH. The name and post-office address of each of the incorporators signing the articles of incorporation are as follows:

<u>NAME</u>	<u>POST-OFFICE ADDRESS</u>
D. A. Tiu	800 South Figueroa Street Los Angeles, California 90017
D. A. Yarboi	800 South Figueroa Street Los Angeles, California 90017
K. Gatell	800 South Figueroa Street Los Angeles, California 90017

EIGHTH. The corporation is to have perpetual existence.

NINTH. In furtherance, and not in limitation of the powers conferred by statute, the board of directors is expressly authorized:

Subject to the by-laws, if any, adopted by the stockholders, to make, alter or amend the by-laws of the corporation.

To fix the amount to be reserved as working capital over and above its capital stock paid in, to authorize and cause to be executed mortgages and liens upon the real and personal property of this corporation.

By resolution passed by a majority of the whole board, to designate one (1) or more committees, each committee to consist of one (1) or more of the directors of the corporation, which, to the extent provided in the resolution or in the by-laws of the corporation, shall have and may exercise the powers of the board of directors in the management of the business and affairs of the corporation, and may authorize the seal of the corporation to be affixed to all papers which may require it. Such committee or committees

shall have such name or names as may be stated in the by-laws of the corporation or as may be determined from time to time by resolution adopted by the board of directors.

When and as authorized by the affirmative vote of stockholders holding stock entitling them to exercise at least a majority of the voting power given at a stockholders' meeting called for that purpose, or when authorized by the written consent of the holders of at least a majority of the voting stock issued and outstanding, the board of directors shall have power and authority at any meeting to sell, lease or exchange all of the property and assets of the corporation, including its good will and its corporate franchises, upon such terms and conditions as its board of directors deem expedient and for the best interests of the corporation.

TENTH. Meetings of stockholders may be held outside the State of Nevada, if the by-laws so provide. The books of the corporation may be kept (subject to any provision contained in the statutes) outside the State of Nevada at such place or places as may be designated from time to time by the board of directors or in the by-laws of the corporation.

ELEVENTH. This corporation reserves the right to amend, alter, change or repeal any provision contained in the articles of incorporation, in the manner now or hereafter prescribed by statute, or by the articles of incorpor-

ation, and all rights conferred upon stockholders herein are granted subject to this reservation.

WE, THE UNDERSIGNED, being each of the incorporators hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Nevada, do make and file these articles of incorporation, hereby declaring and certifying that the facts herein stated are true, and accordingly have hereunto set our hands this 14th day of November, 1985.

D. A. TIU

D. A. Tiu

D. A. YARBOI

D. A. Yarboi

K. GATELL

K. Gatell

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On this 14th day of November, 1985, before me, a Notary Public, personally appeared D. A. Tiu, D. A. Yarboi and K. Gatell, who severally acknowledged that they executed the above instrument.

(NOTARIAL SEAL AFFIXED)

My commission expires August 25, 1986.

MARK A. SHELTON

Notary Public

Mark A. Shelton



CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION  
(AFTER ISSUANCE OF STOCK)

NOV 16 1992

JENNINGS FIREARMS INC.

NOTARY A. LAU SECRETARY OF STATE

Name of Corporation

We the undersigned BRUCE JENNINGS and  
President or Vice President

BRUCE JENNINGS of JENNINGS FIREARMS INC.  
Secretary or Assistant Secretary Name of Corporation

to hereby certify:

That the Board of Directors of said corporation at a meeting duly convened and held on the 15 day of  
NOVEMBER, 1992, adopted a resolution to amend the original articles as follows:

Article 1 is hereby amended to read as follows:

CHANGE NAME FROM JENNINGS FIREARMS TO  
B L JENNINGS, INC.

The number of shares of the corporation outstanding and entitled to vote on an amendment to the Articles of Incorporation  
are 1000; that the said change(s) and amendment has been consented to and approved by a majority vote of the  
stockholders holding at least a majority of each class of stock outstanding and entitled to vote thereon.

Bruce Jennings  
President or Vice President  
Bruce Jennings  
Secretary or Assistant Secretary

State of NEVADA  
County of CLATSOP } ss.

On 11-16-92, personally appeared before me, a Notary Public  
BRUCE JENNINGS  
(Names of persons appearing and signing document.)

who acknowledged that they executed the above instrument.

Craig B Schorr  
Signature of Notary  
CRAIG B SCHORR  
Notary Public State of Nevada  
Appointment Recorded in Douglas County  
MY APPOINTMENT EXPIRES MAY 1, 1996  
DATED: 11/16/92

[NOTARY STAMP OR SEAL]

# SECRETARY OF STATE



## CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, DEAN HELLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **B L JENNINGS, INC.**, as a corporation duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since November 15, 1985, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office, in Carson City, Nevada, on June 20, 2002.



A handwritten signature in cursive script, reading "Dean Heller".

DEAN HELLER  
Secretary of State

By

A handwritten signature in cursive script, likely belonging to the Certification Clerk.

Certification Clerk

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

JOAN TRUMAN SMITH

CIVIL ACTION NO:  
CV 02 3029 (JBW)

V.

Honorable Jack B. Weinstein

BRYCO ARMS, Inc., et al.

AFFIDAVIT OF BRUCE JENNINGS

STATE OF )  
 ) ss:  
COUNTY OF )

Before me, the undersigned authority, personally appeared Bruce Jennings, who is known to me, and who after being duly sworn deposes and says:

I, BRUCE JENNINGS, being over eighteen (18) years of age and competent to testify as a witness and having personal knowledge of the facts set forth below do herein make oath in due form as follows:

1. I am presently a citizen and resident of the State of Florida. Prior to moving to Florida, I was a citizen and resident of the State of Nevada.

2. On November 15, 1985, Jennings Firearms, Inc. was incorporated under the laws of the State of Nevada with its principal place of business in Carson City, Nevada. *See Articles of Incorporation of Jennings Firearms, Inc.*, dated November 15, 1985, attached hereto as Exhibit 1. On November 15, 1992, Jennings Firearms, Inc changed its name to B.L. Jennings, Inc. *See Certificate of Amendment of Articles of Incorporation*, dated November 15, 1992, attached hereto as Exhibit 2. The corporate purpose of Jennings Firearms, Inc. and then B.L. Jennings, Inc.

(hereinafter collectively "BLJ") was as a distributor of firearms. At no time did BLJ manufacture any firearms.

3. I served as the President and Director of BLJ from approximately 1986 to August 6, 1999 when I resigned my position as both President and Director. I have not served as an officer or Director of BLJ since that date. I am presently the sole shareholder of BLJ and have been since approximately 1986. Chris Larsen was elected President and Director on August 6, 1999 and has served in that capacity continuously since that time. I am currently employed by BLJ to assist in the defense of litigation against the company. I have never been engaged in the firearms business in my personal capacity in any manner at any time.

4. I have never given permission to Chris Larsen to act on my behalf in my personal capacity in any manner and, therefore, Mr. Larsen is not, nor was not, authorized to accept service of the summons in this case on my behalf. It is my understanding that Mr. Larsen brought this to the attention of the process server who nevertheless left the summons and the complaint in this action with him.

5. I have never owned, rented or leased any property in the State of New York. I have also never owned any assets in the State of New York nor have I ever transacted or conducted any business in the State of New York. I have never had a checking or banking account in a bank in the State of New York nor have I ever worked in the State of New York. I have had no personal contact whatsoever with the State of New York.

I declare under the penalty of perjury under the laws of the State of \_\_\_\_\_  
that the contents of the foregoing affidavit are true and correct to the best of my knowledge.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bruce Jennings

Sworn to me this  
\_\_\_\_\_ day of July, 2002.

Date: \_\_\_\_\_

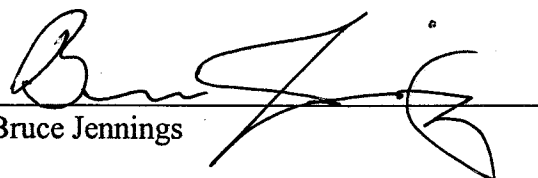
\_\_\_\_\_  
Notary Public

My commission expires on: \_\_\_\_\_.

I declare under the penalty of perjury under the laws of the State of CALIF.

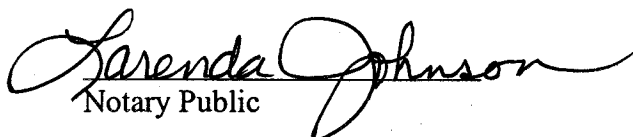
that the contents of the foregoing affidavit are true and correct to the best of my knowledge.

Dated: July 11 02

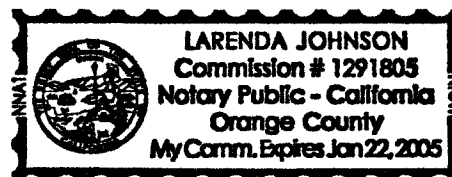
  
Bruce Jennings

Sworn to me this 11<sup>th</sup> day of July, 2002.

Date: July 11-02

  
Notary Public

My commission expires on: JAN. 22, 2005



NOTICE OF THE  
SECRETARY OF STATE OF THE  
STATE OF NEVADA

NOV 15 1985

W.M. SWALAHANER SECRETARY OF STATE

*W.M. Swalahaner*

No. 765435

ARTICLES OF INCORPORATION

OF

JENNINGS FIREARMS, INC.

\* \* \* \* \*

FIRST. The name of the corporation is

JENNINGS FIREARMS, INC.

SECOND. Its principal office in the State of Nevada is located at One East First Street, Reno, Washoe County, Nevada 89501. The name and address of its resident agent is The Corporation Trust Company of Nevada, One East First Street, Reno, Nevada 89501.

THIRD. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on are:

To engage in any lawful activity and to manufacture, purchase or otherwise acquire, invest in, own, mortgage, pledge, sell, assign and transfer or otherwise dispose of, trade, deal in and deal with goods, wares and merchandise and personal property of every class and description.

FOURTH. The amount of the total authorized capital stock of the corporation is One Million Dollars (\$1,000,000) consisting of ten thousand (10,000) shares of stock of the par value of One Hundred Dollars (\$100) each.

FIFTH. The governing board of this corporation shall be known as directors, and the number of directors may from time to time be increased or decreased in such manner as shall be provided by the by-laws of this corporation, provided that the number of directors shall not be reduced to less than three (3), except that in cases where all the shares of the corporation are owned beneficially and of record by either one or two stockholders, the number of directors may be less than three (3) but not less than the number of stockholders.

The initial number of stockholders shall be one (1).

The names and post-office addresses of the first board of directors, which shall be one (1) in number, are as follows:

<u>NAME</u>	<u>POST-OFFICE ADDRESS</u>
Mark Spitler	2005 W. Culver, #10 Orange, CA 92668

SIXTH. The capital stock, after the amount of the subscription price, or par value, has been paid in shall not be subject to assessment to pay the debts of the corporation.

SEVENTH. The name and post-office address of each of the incorporators signing the articles of incorporation are as follows:



<u>NAME</u>	<u>POST-OFFICE ADDRESS</u>
D. A. Tiu	800 South Figueroa Street Los Angeles, California 90017
D. A. Yarboi	800 South Figueroa Street Los Angeles, California 90017
K. Gatell	800 South Figueroa Street Los Angeles, California 90017

EIGHTH. The corporation is to have perpetual existence.

NINTH. In furtherance, and not in limitation of the powers conferred by statute, the board of directors is expressly authorized:

Subject to the by-laws, if any, adopted by the stockholders, to make, alter or amend the by-laws of the corporation.

To fix the amount to be reserved as working capital over and above its capital stock paid in, to authorize and cause to be executed mortgages and liens upon the real and personal property of this corporation.

By resolution passed by a majority of the whole board, to designate one (1) or more committees, each committee to consist of one (1) or more of the directors of the corporation, which, to the extent provided in the resolution or in the by-laws of the corporation, shall have and may exercise the powers of the board of directors in the management of the business and affairs of the corporation, and may authorize the seal of the corporation to be affixed to all papers which may require it. Such committee or committees

shall have such name or names as may be stated in the by-laws of the corporation or as may be determined from time to time by resolution adopted by the board of directors.

When and as authorized by the affirmative vote of stockholders holding stock entitling them to exercise at least a majority of the voting power given at a stockholders' meeting called for that purpose, or when authorized by the written consent of the holders of at least a majority of the voting stock issued and outstanding, the board of directors shall have power and authority at any meeting to sell, lease or exchange all of the property and assets of the corporation, including its good will and its corporate franchises, upon such terms and conditions as its board of directors deem expedient and for the best interests of the corporation.

TENTH. Meetings of stockholders may be held outside the State of Nevada, if the by-laws so provide. The books of the corporation may be kept (subject to any provision contained in the statutes) outside the State of Nevada at such place or places as may be designated from time to time by the board of directors or in the by-laws of the corporation.

ELEVENTH. This corporation reserves the right to amend, alter, change or repeal any provision contained in the articles of incorporation, in the manner now or hereafter prescribed by statute, or by the articles of incorpor-

ation, and all rights conferred upon stockholders herein are granted subject to this reservation.

WE, THE UNDERSIGNED, being each of the incorporators hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Nevada, do make and file these articles of incorporation, hereby declaring and certifying that the facts herein stated are true, and accordingly have hereunto set our hands this 14th day of November, 1985.

D. A. TIU

D. A. Tiu

D. A. YARBOI

D. A. Yarboi

K. GATELL

K. Gatell

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On this 14th day of November, 1985, before me, a Notary Public, personally appeared D. A. Tiu, D. A. Yarboi and K. Gatell, who severally acknowledged that they executed the above instrument.

(NOTARIAL SEAL AFFIXED)

My commission expires August 25, 1986.

MARK A. SHELTON

Notary Public

Mark A. Shelton

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION  
(AFTER ISSUANCE OF STOCK)

NOV 16 1992

JENNINGS FIREARMS INC.

Name of Corporation

RYL A. LAU SECRETARY OF STATE

We the undersigned  
54-85

BRUCE JENNINGS

President or Vice President

and

BRUCE JENNINGS

Secretary or Assistant Secretary

of

JENNINGS FIREARMS INC.

Name of Corporation

do hereby certify:

That the Board of Directors of said corporation at a meeting duly convened and held on the 15 day of  
NOVEMBER, 1992, adopted a resolution to amend the original articles as follows:

Article 1 is hereby amended to read as follows:

CHANGE NAME FROM JENNINGS FIREARMS TO  
B L JENNINGS, INC.

The number of shares of the corporation outstanding and entitled to vote on an amendment to the Articles of Incorporation  
are 1000; that the said change(s) and amendment has been consented to and approved by a majority vote of the  
stockholders holding at least a majority of each class of stock outstanding and entitled to vote thereon.

Bruce Jennings  
President or Vice President

Bruce Jennings  
Secretary or Assistant Secretary

State of NEVADA

County of CARSON

ss.

On 11-16-92

, personally appeared before me, a Notary Public

Bruce Jennings

(Names of persons appearing and signing document.)

who acknowledged that they executed the above instrument.

Craig B. Schorr  
Signature of Notary

Signature of Notary

[NOTARY STAMP OR SEAL]



CRAIG B. SCHORR  
Notary Public - State of Nevada  
Appointment Recorded in Douglas County  
MY APPOINTMENT EXPIRES MAY 1, 1996